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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PIZIALI, ANDREW T

ART UNIT

PAPER NUMBER

1775

DATE MAILED: 04/29/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/486,719

Applicant(s)

BOIRE ET AL.

Examiner

Andrew T Piziali

Art Unit

1775

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

  
DEBORAH JONES

SUPERVISORY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

The applicant insists that the examiner has not supplied evidence that the aluminum oxide or tantalum oxide layers of Hashimoto perform a function of attenuating/modifying the color of the glazing in reflection. The examiner insists that the oxides layers inherently fulfill the role of attenuating/modifying the color of the glazing in reflection and further supports this statement by citing the applicants specification on page 10, lines 24-30, in the advisory action dated 4/4/02. The attorney claims that the examiner ignored the fact that the disclosure in the specification at page 10, lines 24-30, indicates that the tie-layer coating may be made to fulfill the role of attenuating the color of the glazing in reflection, "especially if it has a refractive index matching that of the plastic substrate and that of the layer of the functional system with which it is in contact." The examiner insists that the above passage has no relevance regarding the tie-layers inherent function as an attenuating/modifying layer when it comprises aluminum or tantalum oxide. The passage simply discloses a scenario in which the tie-layer, functioning as an attenuating/modifying layer, may be further accentuated by its position within the glazing. This is evidenced by the use of the word "especially".

The applicant requests that the examiner take a further look at the comparative data supplied by the attorney in the amendment filed 3/19/02 and later repeated in the request for reconsideration filed 4/12/02. The comparative data compares example 3, according to the claimed invention, and example 4, which contains no antireflection coating. The data provides support that the optical properties of the glazing displayed maximum improvement when both an antireflection layer and a layer attenuating/modifying the color were present. The examiner does not find the data compelling, because the glazing of Hashimoto comprises both an antireflection layer and a layer attenuating/modifying the color.

The attorney requests that the examiner explain what other interpretation can be made from claim 39, regarding the location of the protective film. The examiner insists that as written, claim 39 reads upon a protective film of the inorganic or polymeric layer type which is part of the electrically-controllable system.

Regarding the attorneys argument that a person of ordinary skill in the art would not employ a glazing for a display device, the attorney is directed to the argument presented in the advisory action dated 4/4/02.

g-p/v